

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

In Re:  
Eric David Vidal Cruz  
xxx-xx-1050

Case No.: 20-04750 (ESL)

Chapter 13

Debtor(s)

**TRUSTEE'S OBJECTION TO CLAIMED EXEMPTIONS DKT. 1**

TO THE HONORABLE COURT:

**NOW COMES** José R. Carrión, Chapter 13 Trustee, through the undersigned attorney, and very respectfully alleges and prays:

1. On **December 8, 2020 Dkt. 1** the captioned Debtor have claimed, among others, the following exemptions under 11 U.S.C. §522:

2002 Nissan Pathfinder 4WD	(d) (2)	\$1,883.00
1997 Toyota Corolla	(d) (2)	\$794.00

2. Under §522(d) (2), the allowed exemption is \$4,000.00 **per debtor, per vehicle**. In other words, a Debtor cannot split the \$4,000.00 exemption between two vehicles. Instead, a Debtor must use the entire \$4,000.00 exemption for only one vehicle.

3. In this case, Debtor cannot claim exemption under §522(d) (2) for the 2002 Nissan Pathfinder 4WD for the amount of \$1,883.00, and then claim an exemption of \$794.00 for the 1997 Toyota Corolla. This would mean that the Debtor is splitting his §522(d) (2) exemption between the two vehicles which, as mentioned before, is not allowed.

4. In light of the above, the Trustee, pursuant to 11 U.S.C. §522(d) (2), objects the exemptions taken over the 2002 Nissan Pathfinder 4WD and 1997 Toyota Corolla in the amounts of \$1,883.00 and \$794.00.

**WHEREFORE** the Trustee respectfully prays that an order be entered denying Debtors' claimed exemptions as set out above.

**14 DAYS NOTICE:** Within 14 days after service as evidenced by certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

**CERTIFICATE OF SERVICE:** I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sent a notification TO all CM/ECF participants, including Debtor's attorney and I further certify that I have mailed this document by First Class Mail postage prepaid to debtor, at his mailing address of record.

In San Juan, Puerto Rico, this 14<sup>th</sup> day of January, 2021.

/s/ Jose R. Carrion- Trustee

**JOSE R. CARRION**  
Chapter 13 Trustee  
P.O. Box 9023884  
San Juan, P.R. 00902-3884  
Tel (787) 977-3535  
Fax (787) 977-3550

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The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail to the parties listed below:

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DEPARTMENT OF TREASURY  
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UNEMPLOYMENT INSURANCE  
PUERTO RICO DEPT OF LABOR  
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EASTERN AMERICA INSURANCE COMPANY  
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FIRST BANK OF PR  
PO BOX 9146  
SAN JUAN, PR 00908-0146

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FIRST BANK PUERTO RICO  
PRESTAMOS PERSONALES  
PO BOX 9146  
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DATED: January 14, 2021

GENESIS RIVERA

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OFFICE OF THE CHAPTER 13 TRUSTEE



## Status Report Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-1050  
Birth Date:  
Last Name: VIDAL CRUZ  
First Name: ERIC  
Middle Name: DAVID  
Status As Of: Jan-14-2021  
Certificate ID: WC8TBW3J12MS762

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director  
Department of Defense - Manpower Data Center  
400 Gigling Rd.  
Seaside, CA 93955

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: <https://scra.dmdc.osd.mil/scra/#/faqs>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

## More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

## Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

**WARNING:** This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.